IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELATE JURISDICTION

WRIT PETITION NO.1703 OF 2003

Vijay Sakharam Kamble. ...Petitioner.

V/s.

Vanita Vijay Kamble & Anr. ...Respondent.

Shris A.G.Toraskar, Advocate for Petitioner.
Ms.Madhavi M. Tavanandi,Advocate for Respondent No.1.
Shri B.H.Mehta, APP for Respondent No.2.

CORAM: A.S.AGUIAR,J

DATE : 27TH AUGUST,2004.

P.C. :-

1. Heard the learned Advocates. Rule returnable forthwith by consent.

2. From the avernments and the order passed by the Court below, it is clear that the respondent wife has not been able to show that the petitioner husband has income of more than Rs.1,500/- per month. It is the case of the petitioner that his only source of income is as a daily wages earner with the firm of Light Engineering works at Kanjurmarg. He has produced a letter from the said company showing that he gets Rs.50/- per day. No doubt the

petitioner admits that he has some agricultural land at village Karpe, Taluka Vallya, District-Sangali. However, the said land is a joint family property. He has only a fraction share in the said property and the said property is not yielding any income.

3. Learned advocate for the Respondent states that the respondent wife is illiterate living in a remote village. She is not in a position to produce any evidence of income of the petitioner husband. In the circumstance, the Court is not in position to assess the amount of maintainance to be paid to the respondent wife. However, the learned advocate for the petitioner states that the petitioner is ready to pay Rs.750/- per month to the respondent wife as maintainance charges. He states that he is paying arrears of maintainance at the rate of Rs.1,500/- per month as directed by this court pursuant to the order dated 5th February, 2003 passed by the J.M.F.C.. In the light of the above discussion, it will be appropriate to direct the petitioner husband to pay respondent wife maintainance at the rate of Rs.1,000/- per month. The amounts already paid by the petitioner will be adjusted towards payments of arrears to be calculated at the rate of Rs.1,000/- per month. In view of the above, petition is disposed of. Rule is made absolute accordingly.

(A.S.AGUIAR,J)